

PETER C. ANDERSON
UNITED STATES TRUSTEE
Ken Miskin
Assistant United States Trustee
Brian D. Fittipaldi, CA SBN: 146864
Trial Attorney
United States Department of Justice
Office of the United States Trustee
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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
NORTHERN DIVISION

| | | |
|------------------------|---|--------------------------------------|
| In re: |) | Case No.: 9:19-bk-11573-MB |
| |) | |
| |) | Chapter 11 |
| HVI CAT CANYON, |) | |
| |) | STIPULATION TO CONTINUE |
| |) | HEARINGS ON INTERIM |
| |) | APPLICATIONS FOR |
| |) | REIMBURSEMENT OF EXPENSES OF |
| Debtor. |) | PROFESSIONALS IN ORDER TO |
| |) | EXTEND TIME FOR UNITED STATES |
| |) | TRUSTEE TO OBJECT TO FEE |
| |) | APPLICATIONS |
| |) | |
| |) | Current Date: July 2, 2020 |
| |) | Time: 10:00 am. |
| |) | Ctrm: 201 |

**TO THE HONORABLE MARTIN BARASH, UNITED STATES BANKRUPTCY JUDGE
FOR THE CENTRAL DISTRICT OF CALIFORNIA, AND ALL INTERESTED PARTIES:**

Peter C. Anderson, the United States Trustee for the Central District of California, Region 16 (the "U.S. Trustee"), by his undersigned counsel, and the various parties that have filed interim fee applications to be heard at the above referenced date and time, hereby do hereby stipulate and agree as follows:

RECITALS

1. Various professionals in this bankruptcy case have filed Fee Applications that are currently scheduled for hearings on July 2, 2020.

2. Objections and comments to said Fee Applications are due to be timely filed on June 18, 2020.

3. Four of the parties (The Chapter 11 Trustee; Danning, Gill, Israel & Krasnoff, LLP; CR3 Partners; and Pachulski, Stang, Ziehl & Jones, LLP) had previously stipulated to follow the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed under 11 U.S.C. § 330. The U.S. Trustee Guidelines are intended to promote consistency and predictability in bankruptcy cases by directing United States Trustees to exercise their discretion in a uniform manner when determining whether to object to professional fees. In particular, the U.S. Trustee Guidelines: (1) direct the U.S. Trustee to object to fees and expenses in specified circumstances; (2) direct the U.S. Trustee to request certain statements and disclosures in order to aid the review of Fee Applications; and (3) in some circumstances, direct the U.S. Trustee to seek entry of certain procedural orders.

4. Among other provisions, the Guidelines direct the U.S. Trustee to request that attorneys file disclosures and adopt practices that will better enable the U.S. Trustee, the Court, and other parties to ascertain whether those attorneys have met their evidentiary burden of establishing their entitlement to fees under Section 330. These include:

- Standardized disclosures to be filed by attorneys along with their Fee Applications in order to substantiate the statutory requirement that the requested fees are “comparable” to the fees charged to non-bankruptcy clients;
- The maintenance of budget and staffing plans, which should be agreed upon by the attorney and client and filed along with the Fee Application, in order to promote transparency and client accountability in the billing process;
- The use of electronic billing data and standardized project codes in the billing records submitted with the Fee Application, in order to facilitate a more efficient review of fees by the court, the U.S. Trustee, and parties in interest;
- Supplemental statements by both the attorney and the client regarding the circumstances of the attorney’s selection and the principal terms of the engagement, in order to provide meaningful context for the billing rates requested; and

- Disclosures regarding any increases during the case from the billing rates recited in the attorney's retention application, in order that the reasonableness and justification (if any) for such increases may be investigated in a timely manner.

5. The United States Trustee is working with the four fee applicants identified above to obtain their billing information in a specified form, the so called "LEDES" format. As of this writing, several parties still are attempting to provide information in this format. As a result, the parties have stipulated to allow the United States Trustee time to obtain this information and time to analyze them using set procedures. That will take additional time and therefore the parties hereby request that this stipulation be approved and the accompanying order be entered.

STIPULATION

The U.S. Trustee and the fee applicants agree to the following:

That the Court shall enter an order continuing all fee applications currently set for July 2, 2020 to August 6, 2020, or to a date and time convenient to the Court.

IT IS SO STIPULATED.

DATED: June 18, 2020

Respectfully submitted,

PETER C. ANDERSON
UNITED STATES TRUSTEE

/s/Brian D. Fittipaldi

By: Brian D. Fittipaldi
Trial Attorney

Dated:

MICHAEL A. MCCONNELL
CHAPTER 11 TRUSTEE

By: Michael A. McConnell

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Dated: DANNING, GILL, ISRAEL & KRASNOFF, LLP

By: _____
Eric P. Israel, General Counsel for Michael A.
McConnell, Chapter 11 Trustee

Dated: PACHULSKI, STANG, ZIEHL & JONES, LLP

By: _____
Jeffrey Pomerantz
Attorney for Official Committee of Unsecured
Creditors

Dated: CR3 PARTNERS, LLC

By: _____
Tim Skillman
Restructuring/Financial Advisor to the Ch. 11 Trustee

Dated: AGUILERA TITLE AND LAND SERVICES

By: _____
Maribel Aguilera
Special Title Review Consultant to Ch. 11 Trustee

Dated: FAUVER, LARGE, ARCHBALD & SPRAY, LLP

By: _____
Olivia K. Marr
Special Environmental Counsel to the Ch.11 Trustee

1 Dated:

REETZ, FOX & BARTLETT, LLP

2 By: _____

3 Randall Fox

4 Special Litigation Counsel to the Ch. 11 Trustee

5 Dated:

6 BRIGHT & BROWN, LLP

7 By: _____

8 Brian Becker

9 Special Oil & Gas Counsel to the Ch. 11 Trustee

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UNITED STATES TRUSTEE

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Trial Attorney

Dated:

MICHAEL A. MCCONNELL
CHAPTER 11 TRUSTEE


By: Michael A. McConnell

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4 By: 

5 Eric P. Israel, General Counsel for Michael A.
6 McConnell, Chapter 11 Trustee

7 Dated:

PACHULSKI, STANG, ZIEHL & JONES, LLP

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9 By: _____

10 Jeffrey Pomerantz

11 Attorney for Official Committee of Unsecured
12 Creditors

13 Dated:

CR3 PARTNERS, LLC

14
15 By: Tim Skillman

16 Tim Skillman

17 Restructuring/Financial Advisor to the Ch. 11 Trustee

18 Dated:

AGUILERA TITLE AND LAND SERVICES

19
20 By: _____

21 Maribel Aguilera

22 Special Title Review Consultant to Ch. 11 Trustee

23 Dated:

FAUVER, LARGE, ARCHBALD & SPRAY, LLP

24
25 By: _____

26 Aliva k. Marr

27 Special Environmental Counsel to the Ch.11 Trustee
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DANNING, GILL, ISRAEL & KRASNOFF, LLP

3 By: _____

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5 McConnell, Chapter 11 Trustee
6

7 Dated: 06-19-2020

PACHULSKI, STANG, ZIEHL & JONES, LLP

8
9 By:  _____

10 Maxim B. Litvak
11 Attorney for Official Committee of Unsecured
12 Creditors

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20 By: _____

21 Maribel Aguilera
22 Special Title Review Consultant to Ch. 11 Trustee

23 Dated: June 22, 2020

FAUVER, LARGE, ARCHBALD & SPRAY, LLP

24
25
26 By: _____

27 Olivia K. Marr
28 Special Environmental Counsel to the Ch.11 Trustee

1 Dated:

REETZ, FOX & BARTLETT, LLP

2 By: /s/ Randall Fox

3 Randall Fox

4 Special Litigation Counsel to the Ch. 11 Trustee

5 Dated:

BRIGHT & BROWN, LLP

7 By: _____

8 Brian Becker

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3 Randall Fox

4 Special Litigation Counsel to the Ch. 11 Trustee

5 Dated:

BRIGHT & BROWN, LLP

6 By:  _____

7 Brian Becker

8 Special Oil & Gas Counsel to the Ch. 11 Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 1415 State Street, Santa Barbara, CA 93101

A true and correct copy of the foregoing document entitled: Stipulation*** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **June 24, 2020**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Eric Israel: EPI@DanningGill.com
Michael McConnell: michael.mcconnell@kellyhart.com
Tim Skillman: tim.skillman@cr3partners.com
James Baring: james.baring@cr3partners.com
Randall Fox: rbfox@reetzfox.com
Brian Becker: bbecker@brightandbrown.com
Maxim Litvak: mlitvak@pszilaw.com
Jeffrey Pomerantz: jpomerantz@pszilaw.com
Maribel Aguilera: maribel@mhernandezlaw.com
Olivia K. Marr: omarr@flasllp.com

2. SERVED BY UNITED STATES MAIL:

On **June 24, 2020**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **June 24, 2020**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 24, 2020

Brian D. Fittipaldi

/s/Brian D. Fittipaldi

Date

Printed Name

Signature